

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 20, 2009**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Bair, Davis, and Hill, and Acting Senators Sagness and Thorson, absent and formally excused by the Chair.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kylee Holdaway, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 19, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 20, 2009

The JUDICIARY AND RULES Committee reports that [S 1121](#), [S 1122](#), [SCR 104](#), [SCR 105](#), and [SCR 106](#) have been correctly printed.

DARRINGTON, Chairman

[S 1121](#) was referred to the Education Committee.

[S 1122](#) was referred to the Commerce and Human Resources Committee.

[SCR 104](#), [SCR 105](#), and [SCR 106](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2009

The JUDICIARY AND RULES Committee reports that [S 1044](#) has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [S 1044](#) and ordered it transmitted to the House for the signature of the Speaker.

February 19, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Steve Landon to State Insurance Fund Board, term to expire April 30, 2012.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2009

The TRANSPORTATION Committee reports out [HCR 17](#) with the recommendation that it do pass.

MCGEE, Chairman

[HCR 17](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 19, 2009

The TRANSPORTATION Committee reports out [S 1092](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [S 1092](#) was referred to the Fourteenth Order of Business, General Calendar.

February 19, 2009

The EDUCATION Committee reports out [S 1074](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [S 1074](#) was referred to the Fourteenth Order of Business, General Calendar.

February 20, 2009

The STATE AFFAIRS Committee reports out [HJM 2](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HJM 2](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 20, 2009

Dear Mr. President:

I transmit herewith [H 51](#) and [H 83](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 51](#) and [H 83](#) were filed for first reading.

February 20, 2009

Dear Mr. President:

I return herewith [S 1067](#), [S 1068](#), and [S 1069](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1067](#), [S 1068](#), and [S 1069](#) were referred to the Judiciary and Rules Committee for enrolling.

February 20, 2009

Dear Mr. President:

I transmit herewith Enrolled [HCR 9](#), [H 22](#), [H 66](#), and [H 67](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [HCR 9](#), [H 22](#), [H 66](#), and [H 67](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of [HJM 2](#) were suspended.

The President Pro Tempore declared the rules suspended and announced that [HJM 2](#) was now before the Senate for final consideration. The question being, Shall the memorial be adopted?"

On motion by Senator Mortimer, seconded by Senator Kelly, [HJM 2](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 51](#) and [H 83](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 85](#) and [H 86](#), by Appropriations Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1052](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [S 1052](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1070](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 28.

NAYS—Kelly, LeFavour. Total - 2.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [S 1070](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1062](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1075](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [S 1075](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 9](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [H 9](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, [H 64](#) retained its place on the Third Reading Calendar for one legislative day.

[H 18](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [H 18](#) passed, title was approved, and the bill ordered returned to the House.

[H 28](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [H 28](#) passed, title was approved, and the bill ordered returned to the House.

[S 1005](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [S 1005](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1006, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared S 1006, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1079 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared S 1079 passed, title was approved, and the bill ordered transmitted to the House.

S 1054 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared S 1054 passed, title was approved, and the bill ordered transmitted to the House.

S 1097 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared S 1097 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, S 1076 retained its place on the Third Reading Calendar for one legislative day.

S 1091 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared S 1091 passed, title was approved, and the bill ordered transmitted to the House.

H 1 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—None.

Absent and excused—Bair, Davis, Hill, Sagness (Malepeai), Thorson (Stennett). Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared [H 1](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 10:30 a.m., Monday, February 23, 2009.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary